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26-12-2022
AKG
Ct. 7

WPA 27317 of 2022
Sadhu Ram & Ors.
Vs.
Union of India & Ors.

Mr. Allen Felix

...for the Petitioners

Despite service, the respondents are not represented.

The petitioners challenge a notice dated December 15, 2022 issued by the competent authority as appearing at page 34 of the writ petition. It has been submitted by the petitioners that the said notice has not been addressed specifically to anyone and therefore, the same cannot be acted upon.

It has been further contended that Section 147 of the Railways Act, 1989 applies to the trespassers of the Railway properties. The petitioners are licensed vendors. Therefore, they cannot be evicted following such notice.

It appears that the petitioners have made a representation through their lawyer on December 6, 2022 before the respondents.

It is the case of the petitioners that the said representation has not yet been considered. Since the respondents are not represented despite service, this Court is not in a position to ascertain the factual aspects involved in this writ petition.

Therefore, this writ petition is disposed of with

a direction upon the respondent no. 2 to consider the representation dated December 6, 2022 appearing at page 35 of the writ petition within three months from the date. Until and unless, such representation is considered by the respondent no. 2 by passing a reasoned order in accordance with law, the respondents shall not implement the eviction notice dated November 5, 2022 as against the petitioners.

The respondent no. 2 shall hear the petitioners or their authorised representative before passing the order and the order will be communicated within seven days thereafter to the petitioners.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)